

REMARKS

I. Amendments to Claims

Claims 22, 24-31, and 33-42 are pending and under current examination. Applicants have amended claims 22, 24, 31, and 33. Support for the amendments to claims 22 and 31 can be found, for example, on pages 3, 6, and 11 of the Specification. Applicants amended claims 24 and 33 solely to provide clarity in view of the amendments to claims 22 and 31. No new matter has been introduced by these amendments.

II. Claim Rejections

Applicants request reconsideration and withdrawal of the rejection of claims 22, 24-31, and 33-42 under 35 U.S.C. § 103(a) as being unpatentable over Talpade (U.S. Publication No. 2002/0145982) in view of Ko (U.S. Publication No. 2003/0100299).

Neither Talpade nor Ko, taken alone or in combination, disclose or suggest at least, “inserting, **for at least one simulated network user**, a respective parameter related to a particular respective quality of service profile selectively identified for one of said objects, **wherein . . . the simulated network user comprises one of the plurality of mobile terminals**,” as recited in Applicants’ claim 22 (emphases added).

The “Response to Arguments” section of the Office Action rejects Applicants’ previously filed argument that even if Talpade’s “traffic class,” or “QoS criteria,” could hypothetically be considered analogous to Applicants’ claimed “parameter related to a particular respective quality of service profile,” Talpade still does not disclose any customization of the “quality of service profile” **for a user**, because Talpade does not disclose that its “traffic class” or “QoS criteria” would be customized **for a user**. *See* Office Action at 2; *see also* Amendment filed March 12, 2010, at 10. The Office Action “disagrees” on the grounds that “the traffic source of models and the QoS criteria are provided **by the user**,” citing to Talpade at para [0025]. *See*

Office Action at 2. Further, the Office Action disagrees that Talpade does not disclose Applicants' claimed "inserting, for at least one network user, a respective parameter related to a particular respective quality of service profile selectively identified for one of said objects," citing to Talpade's disclosure, at paragraph [0024], of providing "the identified classes of traffic, source models and QoS criteria to the simulator using input device." *See* Office Action at 3; *see also* Amendment filed March 12, 2010, at 10. Thus, the Office Action has improperly analogized Applicants' "simulated network user" with the Internet Service Provider (ISP) in Talpade. *See Talpade* at para. [0024] ("The ISP administrator may provide the identified classes of traffic, source models and QoS criteria. . . to the simulator 160 using input devices"), and para. [0025] ("... the traffic source models and the QoS creiteria provided by the ISP administrator. . . .").

Applicants have amended independent claim 22 to clarify that "the simulated network user" comprises "one of the plurality of mobile terminals." Talpade's ISP is clearly not analogous to Applicant's simulated network user because it is not "one of the plurality of mobile terminals." In addition, as stated on page 10 of Applicants' Amendment filed on March 12, 2010, Talpade does not disclose or suggest customization for a user. There cannot be any such customization in Talpade, because in Talpade, each application is limited to being mapped to one traffic class. *See Talpade*, at para. [0023]-[0024]. Talpade's ISP provides a traffic class and/or QoS criteria per application, not per simulated network user (or per mobile terminal). *See id.*

Ko does not make up for at least the aforementioned deficiencies of Talpade at least because Ko is not directed to computer implemented simulation, but is instead directed to tests implemented on a network of physical devices. *See Ko*, Abstract, para. [0060], and claim 1. Thus, Ko cannot disclose or suggest "inserting, for at least one simulated network user, a

respective parameter related to a particular respective quality of service profile selectively identified for one of said objects, wherein . . . the simulated network user comprises one of the plurality of mobile terminals,” as recited in Applicants’ claim 22. Because Ko does not cure the deficiencies of Talpade, the combination of these references would not result in the features recited in at least Applicants’ independent claim 22.

In view of the Office Action’s mischaracterization of the prior art explained above, the Office Action has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, claim 22 is nonobvious and should be allowable. Independent claim 31, while of different scope, recites similar features and should be allowable for at least the same reasons as discussed regarding claim 22. Claims 24-30 and 33-42 should also be allowable at least by virtue of their respective dependence from base claims 22 and 31, and because they recite additional features not taught or suggested by Talpade and Ko. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

III. Conclusion

Applicants request reconsideration of the application and withdrawal of the rejections, and the timely allowance of pending claims 22, 24-31, and 33-42.

The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any such statements.


If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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